

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.16050 of 2019

Commandant AKS Panwar, TM(Retd),
Apt No.5B, Vasavi Citrus Grove,
Seevarama 3rd Street, Perungudi-600069,
(Prior retirement was Stationed as
Commanding Officer,
Coast Guard Station Nizampatnam,
V& M Nizampatnam,
Dist Guntur, (AP) 522314

Petitioner

Vs.

- 1.The Union of India,
rep. through its Secretary,
Ministry of Defence,
Room No.101, North Block,
New Delhi- 110001
- 2.The Secretary,
Department of Personnel and Training,
Room No.112, North Block,
New Delhi- 110001
- 3.Shri R. Singh,
presently, The Director General of Coast Guard,
C-1/5, Pandara Park, Pandara Road,
New Delhi- 110003.

..Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Quo Warranto to show cause under what authority the third respondent is holding the office of Director General of Coast Guard and remove him from office of Director General of Coast Guard and direct him not to exercise or use the rights, liberties, privileges, honours, service and attendant benefits in respect of the post of Director General Coast Guard and review and revise the promotions in accordance with relevant DOP & T guidelines and settled law on the subjects.

For Petitioner .. Mr.D.Prabhu Mukunth Arunkumar

ORDER

This writ petition has been filed seeking for issuance of a Writ of Quo Warranto, to show cause under what authority the third respondent is holding the office of Director General of Coast Guard and remove him from office of Director General of Coast Guard and direct him not to exercise or use the rights, liberties, privileges, honours, service and attendant benefits in respect of the post of Director General Coast Guard and review and revise the promotions in accordance with relevant DOP & T guidelines and settled law on the subjects.

2. The petitioner has come up with the prayer seeking for issuance of a Writ of Quo Warranto against the appointment of the third respondent as Director General of Coast Guard. Although the affidavit disclosed several facts, decisions of this Court as well as the Hon'ble Supreme Court, and also the Rules for appointment to the higher level posts in respect of the services of the Coast Guard, nothing specifically has been disclosed as regards locus standi of the petitioner in questioning the appointment of the third respondent/Director General of Coast Guard.

3. It appears from the entirety of the averments, that the petitioner has some grievance against his non-consideration for various posts in the Coast Guard during the period of his employment. The petitioner is a retired Commandant, who left the service of the Coast Guard on 30.11.2018 itself, while so, this Court is unable to appreciate as to how he could be aggrieved by the appointment and posting of the third respondent as Director General of Coast Guard.

4. The petitioner appears to have obtained information under the Right to Information Act in regard to promotions effected in the Coast Guard service in the past years and on the basis of such information obtained by him, he wants to prosecute the claim in respect of past years for promotion to various higher grades. Even after his retirement, it appears from the averments that the petitioner has an axe to grind against the third respondent and in order to assail the appointment as Director General of Coast Guard, he has come up with the present writ petition with lot of details not only pertaining to the appointment of the third respondent as Director General of Coast Guard but also his previous appointment to various cadres in the past years. This Court is once again unable to appreciate as to how such a general grievance of the petitioner that too after his retirement from

coast guard service, could be entertained at this stage and how at his instance a writ of Quo Warranto could be issued against the appointment of the third respondent as Director General of Coast Guard. If this Court entertains the present writ petition, it would unnecessarily unsettle the entire gamut of events which were already settled over the years, which finally led to the appointment of the third respondent as Director General of Coast Guard. It is not in the interest of administration to entertain such writ petition that too from a person who is no longer in service of the Coast Guard.

5. For all the above said reasons, this Court is of the view that the writ petition is not maintainable and ought not to be entertained and therefore, the same is dismissed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

dn
To

- 1.The Secretary,
Union of India,
Ministry of Defence,
Room No.101, North Block,
New Delhi- 110001
- 2.The Secretary,
Department of Personnel and Training,
Room No.112, North Block,
New Delhi- 110001

सत्यमेव जयते

+1 CC to Mr.D.Prabhu Mukunth Arunkumar, Advocate sr 47009.

WEB COPY

W.P.No.16050 of 2019

JP(CO)
SP(22/07/2019)